

Privacy + Security Forum

Session:

The Next Generation of Children's Privacy
Law: What Comes Next

Speakers



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Overview

Recent Developments

How did we get here? Where are we now?

COPPA Amendments/COPPA 2.0

State Law Frameworks

TAKE IT DOWN Act

DEFIANCE Act

Enforcement/Litigation

State Privacy Laws

COPPA

FTC v .Disney

Age Assurance and Verification

Class Actions

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I. Recent Developments



How did we get here? Where are we now?

- **2000:** COPPA Rule goes into effect.
- **2013:** First set of COPPA revisions.
- **2020:** CCPA goes into effect.
- **2021:** State comprehensive privacy laws are enacted and begin going into effect.
- **2022:** California Age-Appropriate Design Act is passed; other state age-appropriate design acts follow.
- **2025:** COPPA Amendments go into effect.
- **2026:** TAKE IT DOWN Act goes into effect.

Protecting children's
personal information
from sale/restricting
advertisements

Protecting children
from addiction or
harmful dark patterns
by requiring safety in
design

Protecting children
from obscene/harmful
materials

Protecting individuals
from the
nonconsensual online
publication of intimate
images, including AI
deepfakes



COPPA Amendments

- Compliance deadline of April 22, 2026
- Expanded definition of personal information: biometrics identifiers (face templates, fingerprints, retina scans, voiceprints), government-issued identifiers, phone numbers, audio recordings, certain geolocation information
- Online Privacy Notice
- Additional Methods of Verifiable Parental Consent
 - Exception for disclosures that are “integral” to the service
- Codified definition of Mixed Audience Website or Online Service
- Data Retention and Deletion
 - Must be posted publicly and include timeframe for deletion
- At IAPP, FTC Commissioner Meador said FTC is “willing and eager” to enforce



COPPA 2.0

- COPPA 2.0 passed the Senate unanimously on March 5
 - New House version introduced by Reps. Walberg (R-MI) and Lee (R-FL)
 - Pulled from House committee on March 5, working on bipartisan agreement
- Key provisions are:
 - Expands scope to teenagers (under the age of 17)
 - Total ban on targeted advertising
 - No consent exceptions
 - Codifies the school consent exception to parental consent (for public schools)
 - International data transfer restrictions
 - House Version: Two-tiered knowledge standard
 - Willfully disregarded (high-impact social media companies)
 - Actual knowledge



State Law Frameworks

Age-Appropriate Design Codes (AADCs)

- Evolving and potentially diverging framework leading to “protective-by-design” model
- Enacted AADC: CA*, MD*
- Diverging, “protective-by-design” model: VT, NE, SC*

Age Signals Frameworks

- App Store Accountability Acts (ASAAs) and Digital Age Assurance Acts (CA AB 1043 model)
- Enacted: UT*, TX*, LA, AL, CA

Social Media Regulation

- Service/Access Regulation: AR, MS*, TX* & several others that are enjoined
- Specific Design Feature Regulation: CA*, NY

Privacy Laws

- Enacted: 20* comprehensive privacy laws, NYCDPA, Arkansas' COPPA 2.0



TAKE IT DOWN Act - Overview

What is it?

- “Tools to Address Known Exploitation by Immobilizing Technological Deepfakes on Website and Networks”
 - Criminalizes publications of nonconsensual intimate visual depictions, including legitimate and/or AI generated images

Who does it apply to?

- Covered platforms
 - A covered platform is “a website, online service, online application, or mobile applicable” that serves the public and either “primarily provides a forum for user-generated content” or publishes, curates, hosts, or makes available content of nonconsensual intimate visual depictions in the regular course of trade or business.

When does it go into effect?

- May 19, 2026



TAKE IT DOWN Act – Requirements and Enforcement

Requirements

- Covered platforms must create a way for consumers to notify them of a nonconsensual intimate visual depiction on the platform
 - Notification must be in writing and include 1) identification of and information sufficient to locate the depiction; (2) a brief statement from the individual that the image is not consensual; and (3) the signature of and contact information for the individual
- The nonconsensual intimate visual image must be removed within 48 hours of notice
 - There must be a plain language explanation of the notice-and removal process on its website

Enforcement

- The FTC will enforce the notice and removal process.



Disrupt Explicit Forged Images And Non-Consensual Edits Act of 2025 (DEFIANCE Act)

Overview

- Strengthens civil remedies for victims of non-consensual photo or video deepfakes
- Bill is still pending in the House, but passed the Senate

Key Provisions

- New concept of “intimate digital forgery”
- Creates a federal right to sue individuals who 1) create or possess with an intent to disclose; 2) knowingly disclose; or 3) knowingly solicit and receive deepfake images or videos over the internet when the identifiable individual does not consent
 - Victims can recover up to \$150,000 in damages; up to \$250,000 if tied to sexual assault, stalking, or harassment
 - Statute of limitations: 10 years
- Privacy protection for victims
 - Victim names kept private - filings can be sealed or redacted
 - Images would not go in public record
- No preemption of state law
 - States could allow for equal or stronger protections



DEFIANCE Act of 2025 – Why It Matters

Empowers victim to sue and force removal of content

Adopts protection standards for AI-generated images of individuals

“It’s fake” is not a defense—severe penalties for those in violation

Signals recognition that deepfakes are a legitimate privacy and rights concern



II. Enforcement/Litigation



AG Enforcement

- Injunctive relief
- Civil or administrative penalties primarily range from \$1,000 to \$10,000 for each violation and/or per day.
- Florida up to \$50,000 for violation

Private Right of Action

- No private right of action in GA, OH, CT, FL, CA.
- Can be brought by parent or guardian to seek declaratory judgment or an injunction. See, Texas
- Can be brought for negligent violations for declarative, injunctive relief, damages including harm to mental health and emotional distress; or the greater of actual damages or civil penalties up to \$10,000 for reckless or knowing violations. See, North Dakota



Civil Penalties:

- \$53,088 per violation
- For a continuing violation, each day in a violation constitutes a separate violation
- Continues to increase based on inflation

Injunctive Relief:

- The FTC can seek prohibitions of the same alleged activities that were violations of COPPA

Equitable Relief:

- Deletion; Algorithmic Disgorgement; Notice
- Proactive compliance enhancements, e.g., retention policy, comprehensive privacy and security program

State AG Enforcement:

- State AGs may bring actions under COPPA, but FTC notice required along with the option to intervene



COPPA Enforcement History

FTC COPPA enforcement continues with focus on adtech, edtech, game developers, and platforms

- YouTube (2019): \$170 million
- HyberBeard (2020): \$150,000
- Kurbo (2022): \$1.5 million
- Edmodo (2023): \$6 million
- Genshin Impact (January 2025): \$20 million
- Disney (December 2025): \$10 million

State AGs also have pursued COPPA cases

- Nevada: \$12.5 million with Roblox
- California: \$500,000 settlement with Tilting Point Media
- Michigan: Roku, Inc. lawsuit
- Washington: \$500,000 settlement with Super Basic and Maple Media

Common Enforcement Themes

- ✓ Parental consent and/or failure to honor parent rights
- ✓ Mixed audience v. directed to children
- ✓ Targeted advertising
- ✓ Collection by other operators
- ✓ Lengthy retention of PI



FTC v. Disney

- Disney allegedly collected and used data from children under 13 for targeted advertising through mislabeled YouTube videos
 - YouTube settlement in 2019 for content creators to indicate if “Made for Kids”
 - In 2020, YouTube changed designations on over 300 videos, but Disney did not change policy of designating videos at the channel level and did not have individual videos marked as Made for Kids.
 - Disney failed to designate child-directed videos as MFK when they were uploaded to channels that were designated as Not MFK.
- FTC settlement of \$10 million – “Made for Kids” requirement
 - Notify parents before collecting personal information from children under 13 and obtain verifiable parental consent for collection and use of that data;
 - Establish and implement a program to designate videos as Made for Kids
- Follows a broader trend of regulators pushing for stricter age verification to protect children online, with the FTC encouraging age estimation and verification tools to replace labeling systems

Potential Solution

YouTube could implement age assurance technologies

But is that feasible?



Age Assurance and Verification – Enforcement

FTC position

- Issued a policy statement announcing that the Commission will not bring an enforcement action under COPPA against certain website and online service operators that collect, use, and disclose personal information for the sole purpose of determining a user's age via age verification technologies
- "Age verification technologies are some of the most child-protective technologies to emerge in decades"

OR DOJ position

- OR DOJ is actively monitoring and scrutinizing representations re: age assurance technologies



Roblox Class Action

- Roblox faces over 140 federal lawsuits and additional state actions over online child safety
- Settlements require Roblox to implement age verification and restrict chat for users under 16
- \$23 million and counting....
- Not only state actions
 - Individual parents filing suit on behalf of children for technology addiction
 - Seeing school districts filing suit as well
- Although Roblox serves as a good example demonstrating this enforcement trend, it is not the only company faced with these actions—several big tech platforms are involved in on-going consumer protection/negligence lawsuits over child online safety claims



Social Media Class Actions

- Landmark California case in March 2026 finding Meta and YouTube liable for youth addiction to social media
- Platforms are all under a microscope
 - Thousands of cases files including teenagers, school districts and state AGs
- Claims vary from social media addiction to failure to safeguard users from predators



III. Discussion



Up for Debate

- Section 230/First Amendment Concerns?
- Age Verification: Violating Privacy? Loss of Anonymity? Data Breach Risk?
- Acceptable Engagement v. Addiction?
- Anti-Competition?
 - Do companies just need to accept penalties when collecting children's data?



IV. Connect and Resources



Stay in touch: Continue the conversation with us

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Resources

- Retrospective: U.S. Privacy Enforcement in 2025, available at <https://fpf.org/wp-content/uploads/2026/02/FPF-U.S.-Privacy-Enforcement-in-2025.pdf>
- The TAKE IT DOWN Act: A Federal Law Prohibiting the Nonconsensual Publication of Intimate Images, available at <https://www.congress.gov/crs-product/LSB11314>
- Tools to Address Known Exploitation by Immobilizing Technological Deepfakes on Websites and Networks Act ("TAKE IT DOWN Act"), available at <https://www.ftc.gov/legal-library/browse/statutes/tools-address-known-exploitation-immobilizing-technological-deepfakes-websites-networks-act-take-it>
- What's New in COPPA 2.0? A Summary of the Proposed Changes, available at <https://fpf.org/blog/whats-new-in-coppa-2-0-a-summary-of-the-proposed-changes/>
- Disney to Pay \$10 Million to Settle FTC Allegations the Company Enabled the Unlawful Collection of Children's Personal Data, available at <https://www.ftc.gov/news-events/news/press-releases/2025/09/disney-pay-10-million-settle-ftc-allegations-company-enabled-unlawful-collection-childrens-personal>
- Roblox to pay \$23 million to Alabama, West Virginia to settle child safety investigations, available at <https://www.reuters.com/legal/government/roblox-pay-23-million-alabama-west-virginia-settle-child-safety-investigations-2026-04-21/>

